

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
RECEIVED EASTERN DIVISION

DAVID DAVIS, 2007 APR 24 P 4:04)

Plaintiff)

v.)

PHENIX CITY, ALABAMA,)

JEFFREY HARDIN, named in his individual)
and official capacities,)

H.H. ROBERTS, named in his individual)
and official capacities,)

WALLACE HUNTER, named in his individual)
and official capacities,)

ROY WATERS, named in his individual)
and official capacities,)

and)

BARBARA GOODWIN, named in her individual)
and official capacities,)

Defendants.)

Case Number:

3:06-CV-0544-WHA

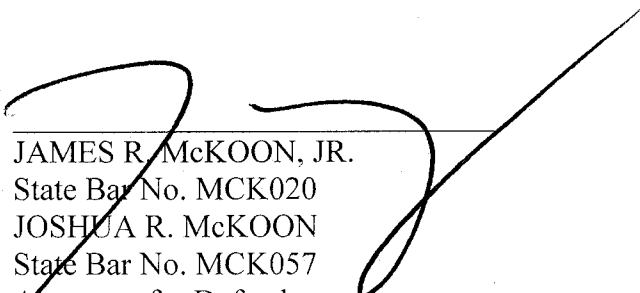
**DEFENDANTS' SUBMISSION IN SUPPORT OF THEIR MOTION FOR
SUMMARY JUDGMENT**

Come now the Defendants in the above styled cause and submits the following
evidentiary support and exhibits for their Motion for Summary Judgment:

EXHIBIT NUMBER

1. City Charter of the City of Phenix City.
2. City of Phenix City Merit System Rules and Regulations.

3. Exerts from the Phenix City Fire Department Standard Operating Procedures.
4. Deposition of David Davis.
5. Affidavit of James R. McKoon, Jr.
6. Selected documents from David Davis' personnel file and records from the Phenix City Personnel Board.
7. Counseling form dated September 21, 2005.
8. Newspaper article entitled "Three Alarm Turmoil".
9. Memorandum of Wallace Hunter dated September 20, 2005.
10. End of Employment form dated April 21, 2006.
11. Written Warning form dated April 20, 2006.
12. Letter of David Davis to Barbara Goodwin dated April 28, 2006.
13. Minutes of Personnel Review Board Meeting dated May 16, 2006.
14. Letter from H. H. Roberts to David Davis dated May 18, 2006.
15. Deposition of H. H. Roberts.
16. Letter to Thomas Malone, Jr. from H. H. Roberts dated March 15, 2005.
17. Deposition of Wallace Burns Hunter, Sr.
18. Deposition of Roland Leroy Waters.



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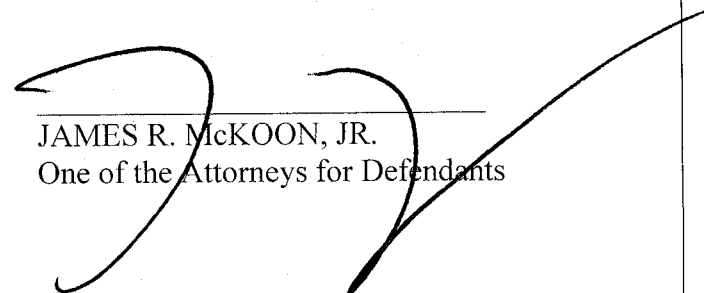
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion to Dismiss upon Counsel for the Plaintiff by placing a copy of same in First Class Mail addressed as follows:

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This 24th day of April, 2007.



JAMES R. MCKOON, JR.
One of the Attorneys for Defendants